

## Comment Set 4

James McGrath  
2301 Russell Street  
Berkeley, CA 94705  
March 16, 2006

Ms. Valerie Van Way  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

RE: 2006 DRAFT EIR for the CHEVRON RICHMOND LONG WHARF MARINE  
TERMINAL LEASE

Dear Ms. Van Way:

This letter comments on the February 2006 Draft Environmental Impact Report (DEIR) for the Chevron Richmond Long Wharf Marine Terminal Lease Consideration. The DEIR is inadequate because it does not consider recreational impacts as significant. The revised DEIR must identify those impacts as significant, for the reasons explained herein, and then must evaluate feasible alternatives and mitigation measures. Unless the Final EIR mitigates the recreational impacts identified in this letter to a point of insignificance, a new DEIR must be prepared and circulated for comment. It is axiomatic that an adequate DEIR must give the public an opportunity to comment in a meaningful way on both alternatives and on mitigation measures that would avoid significant impacts. The two areas of inadequate consideration are inconsistencies with adopted plans, including the Bay Trail Plan, and adverse impacts on recreational boating. Both arise to a level of impact that is considered significant in the general practice of complying with CEQA.

### STANDARDS

To begin with, the State Lands Commission (the Commission) has the responsibility to evaluate this lease renewal as if no improvements were present. The lessee, Chevron, has enjoyed the economic benefits associated with the long wharf, which has occupied the site and adversely affected other public trust uses, for over 100 years. The California Environmental Quality Act was not part of the standards for review during earlier lease renewals, or for the original construction of the long wharf. Thus, the Commission must deal with the questions associated with CEQA for the first time in this renewal. Although the Commission has the authority to allocate the benefits of state lands and trust interests to one of the trust users, namely commercial shipping, they must endeavor to rationalize other public trust uses if feasible. If the adverse impacts on other trust uses, or other environmental effects, rise to the level of significance, the Commission must adopt either feasible alternatives or feasible mitigation measures. The definition of feasibility in Section 15364 of the CEQA Guidelines is inordinately broad, and not limited to merely those matters directly subject to the Commission's usual roles. A reasonable period of time must be seen in the context of the length of the lease term, and the reasonable cost of mitigation measures and/or alternatives must be evaluated in the context of the economic value of the lease to transportation of petroleum products. In this case, the term of the lease is 30